

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Crady offered the following:

**Amendment to Amendment (714405) (with title amendment)**

On page 33, line 25, through page 35, line 19, of the amendment

remove all of said lines from the amendment,

and insert in lieu thereof:

255.60 Lease of state property for wireless facilities.--Except with respect to any state correctional institution as defined in s. 944.02, including facilities operated by private entities with which the Department of Corrections enters into contracts pursuant to s. 944.105:

(1) Notwithstanding any other provision of law to the contrary, every department, board, agency, or commission of the state which owns or manages buildings or antenna structures shall encourage the placement of commercial mobile radio service facilities on those structures.

(2) Within 90 days after a written request from a commercial mobile radio service provider, a department, board, agency, or commission of the state shall provide an inventory

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1 of all buildings and antenna structures over 40 feet in height  
2 that it owns or manages.

3 (3) If a commercial mobile radio service provider is  
4 interested in attaching its wireless facilities to a structure  
5 owned by the state, the provider must submit a letter of  
6 interest to the agency managing the structure, together with  
7 an application fee of \$250. The letter must describe in  
8 reasonable detail the provider's requirements for placing its  
9 facilities on the structure. Within 45 days after receipt of  
10 the letter, the state agency must notify the provider of the  
11 site's availability and, if available, allow the provider to  
12 perform on-site testing. All state owned structures are  
13 hereby declared available unless the proposed facilities would  
14 adversely impact the historic or environmental character of  
15 the site, the structural integrity of the structure, or the  
16 department's expressed desire to locate its own communications  
17 facilities on the structure.

18 (4) If a commercial radio service provider desires to  
19 locate its facilities on an available state structure, the  
20 state agency managing the structure shall enter into a lease  
21 with the provider without competitive bidding or procurement.  
22 The terms of the lease shall follow the terms of a model lease  
23 which the Department of Management Services must establish  
24 within 120 days of the effective date of this act. The model  
25 lease shall include, but not be limited to, the following  
26 provisions:

27 (a) Rent shall be based on fair market value of  
28 comparable communication facilities in the state.

29 (b) The provider shall be entitled to make reasonable  
30 modifications to the structure to allow their use, including  
31 the replacement of an existing pole or tower with a new

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1 structure of not more than 125 percent of the original height.

2 (c) The provider shall be allowed reasonable space in,  
3 on or near the structure to connect and house any accessory  
4 equipment.

5 (d) The provider shall design all antenna attachments  
6 and shelters to minimize any aesthetic impact.

7 (e) The provider's use shall not interfere with any  
8 current or future use of the site by the state.

9 (f) The duration of the lease shall be 5 years and  
10 shall grant the provider options to renew for three additional  
11 5-year terms.

12 (5) Fifty percent of all revenue derived from the  
13 lease of state property under this section shall be credited  
14 to the agency that manages the property and the remaining 50  
15 percent shall be credited to the school improvement and  
16 academic achievement Trust Fund. If the tower is owned by or  
17 under the control of the Department of Management Services,  
18 all funds shall be placed in the State Agency Law Enforcement  
19 Radio System Trust Fund.

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22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 58, line 13 of the amendment

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insert after the word "facilities":

27 , other than correctional facilities,

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